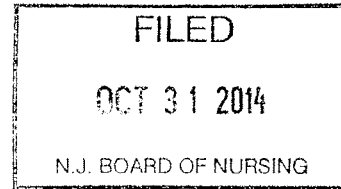


JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law, 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, NJ 07101
Attorney for Board of Nursing



By: DAG Susan Carboni
Tel. (973) 648-2894

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

| | | |
|----------------------------------|---|-----------------------|
| IN THE MATTER OF THE SUSPENSION | : | Administrative Action |
| OR RECOVATION OF THE LICENSEE OF | : | |
| | : | ORDER OF SUSPENSION |
| JOHN O'BRIEN, R.N. | : | OF LICENSE |
| LICENSE # NO 09809300 | : | |
| | : | |
| TO PRACTICE AS A REGISTERED | : | |
| NURSE (R.N.) IN THE | : | |
| STATE OF NEW JERSEY | : | |

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information indicating the following:

1. Respondent, John O'Brien, is the holder of License No. NO 09809300 and is a registered nurse in the State of New Jersey.

2. Respondent entered into a private letter agreement with the Board which he signed on or about March 26, 2014.

(Exhibit A) The agreement required respondent to enroll in the Recovery and Monitoring Program of New Jersey (RAMP), undergo

evaluation and monitoring, agree to follow recommendations by RAMP for further treatment, and to refrain from the use of any and all potentially addictive substances. (Exhibit A, ¶¶ 2, 6, and 10) The agreement was to have the force and effect of a Board Order within the intendment of N.J.A.C. 13:45C-1.4. In the event that the Board received reliable information that respondent had acted in violation of the RAMP contract and/or the agreement, the agreement was no longer to remain confidential.

3. In a communication dated June 20, 2014, Case Manager Wendy Summers of RAMP advised the Board that respondent was noncompliant with his RAMP monitoring agreement, in that he had asked to be excused from drug screening on May 1, 2014 and June 4, 2014, and failed to appear for three scheduled hair testing appointments on April 11, 2014; May 14, 2014 and June 18, 2014. He had therefore failed to drug test during his entire participation in RAMP. (Exhibit B)

4. On or about July 29, 2014, a letter issued by overnight and regular mail to respondent's attorney advising that the Board had received credible information indicating that Mr. O'Brien was not in compliance with the private letter agreement, and advising her to forward within five days any proof that he was currently in compliance with RAMP. (Exhibit C)

5. Respondent's attorney responded to the letter by means of a communication dated August 8, 2014, maintaining that he did not have a substance abuse problem, that he found the RAMP staff was for the most part unprofessional, rude and condescending, and that he did not receive clear instructions from RAMP. It was further maintained that Mr. O'Brien's lack of sophistication in computer skills hampered his ability to be compliant with testing requirements, but that he did attend some drug screenings. It was admitted that he did not attend some scheduled drug screenings, but that he had his own screenings done privately. (Exhibit D)

6. A certification from RAMP's director dated October 29, 2014 included an attachment with the precise dates of missed check-ins and screenings, and indicated that Mr. O'Brien had ceased participation in RAMP after the month of June, 2014, and had not undergone any screenings scheduled for him through RAMP. Thus, since no hair follicle testing was done, which indicates drug use over a 90-day period, an opportunity was missed to ascertain whether Mr. O'Brien had engaged in diversion of medication for his own use while employed at Bayonne Medical Center, as was purportedly alleged prior to his RAMP enrollment. (Exhibit E)

7. The private letter agreement signed by respondent, which by its terms has the force and effect of a Board order

within the intendment of N.J.A.C. 13:45C-1.4, provided for automatic suspension of respondent's nursing license upon receipt of reliable information indicating that respondent has violated any term of the private letter agreement. (Exhibit A, ¶13)

8. Mr. O'Brien's failure to undergo any screenings whatsoever under the auspices of RAMP during the entire period of his participation, and missing of required check-ins indicated in the attachment to the certification by RAMP's Director constitute violations of the private letter agreement.

Accordingly,

IT IS on this 31st day of October, 2014

HEREBY ORDERED THAT:

1. Respondent's license to practice nursing in the State of New Jersey shall be and hereby is suspended for his violation of the private letter agreement, which is deemed a violation of a Board order within the intendment of N.J.A.C. 13:45C-1.4 and N.J.S.A. 45:1-21(e).

2. Respondent may, under the terms of the private letter agreement, upon notice, request a hearing on the sole issue of whether respondent has failed to comply with the terms of the private letter agreement.

3. In the event that respondent seeks reinstatement of his New Jersey nursing license at any future time, the Board

shall not entertain any application for reinstatement without respondent's demonstrating that he is in full compliance with the terms and conditions of the private letter agreement and with any agreement with RAMP, and is fit and competent to practice nursing.

NEW JERSEY STATE BOARD OF NURSING

Patricia Murphy PhD APN

By:

Patricia Ann Murphy, PhD, APN, C
Board President